“ A Study Of The Role Of RTI In Maharashtra Rural Development And Governance”

Ph,D. Synopsis Submitted

To

Swami Ramanand Teerth Marathwada University,
Nanded - 431606

Submitted by
Sajeedkhan Jafarkhan Pathan

Under the Guidance of
Prof.Dr. Fayaj Munirsab Saudagar
Associate Professor & Head
Dept. of Political Science
Indira Gandhi Sr. College
Cidco, Nanded

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I – Introduction

Right to Information Act - 2005 is a most popular, reformative and ambitious law in Indian polity and Administrative history. Right to Information Act was enacted by United Progressive Alliance – 1. Right to Information Act empowers the citizens of India against administrative corruption and erratic or wrong administration. This Act discloses the Governmental and Administrative functions, programs and proves related information to every common man. In popular democracy the Government should be responsible and accountable to individuals. Therefore Government discloses and provides the information of documents, files and samples required by the individuals on request. Supreme Court Judgement in 'Raj Narain v/s State of Uttar Pradesh' held that Information Right is also a part of Constitutional and Fundamental Right under Article 19 (1) (a) of part three of Indian Constitution. Right to Information Act created a new era in Rural development and Governance.

II - Brief Evolutionary History of Right to Information Act:

To intensify the process of paradigm shift from state centric to citizen centric model of Rural Development the Right to Information Moment in India came into existence in 1990s by resolving a major contradiction between the Colonial Acts, which prevents access to information and the post-independent Indian Constitution, which recognizes the seeking information as a fundamental right to promote transparent, accountable, responsible, participatory and decentralized democracy. As a result of grassroots movement for the Right to Information to combat the corruption, deliberate delays, well informed citizens and to promote the Good Governance, the state has responded in the form of Right to Information Act – 2005. With the introduction of the Right to Information Act – 2005 the Colonial Acts such as the official Secrets Act, Indian Evidence Act and

the Civil Service Code of Conduct Rules, which contain provisions that restrict the Fundamental Right to Information as ensured to the citizens in the Constitution has now become irrelevant.

The National Campaign for People's Right to Information (NCPRI) was founded in 1996. Its founding members included social activists, journalists, lawyers, professionals, retired civil servants and academics, and one of its primary objectives was to campaign for a national law facilitating the exercise of the fundamental right to information.

The international organizations like Common Wealth Human Rights Initiative strongly advocates that the Right to Information (RTI) is fundamental to the realization of rights as well as effective democracy, which requires informed participation by all. CHRI educates the public about the value of RTI and advocates at policy level for guaranteed access to information. The contribution of Common Wealth Human Rights initiative for the enactment of the national Right to Information Act in India was through providing aid to discussions, analysis of the Freedom of Information of Act and recommendations to the National Advisory Council, to all the Cabinet Ministers and members of the Parliament.

In response to the pressure from the grassroots movements, national and international organizations, the press council of India under the guidance of its Chairman Justice P.B. Sawant drafted a model bill that was later updated at a workshop organized by National Institute of Rural Development and sent to Government of India, which was one of the reference paper for the first draft bill prepared by Government of India. For some political and other reasons the bill could not be taken up by the Parliament.

Again, in 1997 the United Front Government appointed the working group under the chairmanship of Mr. H.D. Shourie drafted a law called "The Freedom of Information Bill-1997". This bill was also not enacted. In 1998, though the Prime Minister Mr. Vajpayee announced that a law on Right to Information should be enacted soon, it did not materialize. In the year, 2000 the Freedom of Information Bill – 2000 was tabled before the Parliament. After some debate it was referred to the Parliamentary Standing Committee on Home Affairs for review. From that time onwards the bill had gathered

dust until the formation of United Progressive Alliance.

The coalition Government at the Centre led by United Progressive Alliance formulated an agenda called, “Common Minimum Programme”. One of the agenda of the CMP was the introduction of “Right to Information Act.” The CMP stated clearly, “the Right to Information Act will be made more progressive, participatory and meaningful. In order to look after the implementation of the Common Minimum Programme the UPA constituted National Advisory Council. In the National Advisory Council some of the activists like Aruna Roy, Jean Drez who are associating with the National Campaign for Peoples’ Right to Information Act consistently put the pressure on the UPA Government to pass the bill and to enact a law. In response to these efforts the Parliament passed the bill and the President of India consented the Act on 15th June 2005 and implementation process of the Right to Information Act was started since 12th October 2005.

Implications of the Right to Information Act 2005: The coverage of the right to information act-2005 is very wide. Several institutions build through the Constitution, Parliamentary Acts, State Legislative Assembly and Council Acts, Government Organisations, private organisations and NGOs, which are receiving substantial financial support from either state or central government come under the purview of the right to information Act. All these institutions are bound to give the required information to the citizens within a prescribed period of 30 days for the normal information, information relating to human rights within 48 hours and 45 days for the information from the third party. If the given time period is expired in giving the information to the concern citizens, then there will be a penalization of the Public Information Officer at the rate of Rs 250/- per day. The fine may be up to Rs 25,000/-. As a result of rigaracity in the act, there is every possibility for the citizens to get the information of the State documents and records. One of the major provisions is free access of information to BPL.

III – Major Issues in Rural Development Governance:

In the Indian Administration especially in the administration of Rural Development there were many hurdles, in terms of lack of enough awareness amongst stakeholder groups especially the beneficiaries and that to beneficiaries belonging to Below Poverty Line. The hurdles like delays, corruption and un-transparent governance etc. were prevailing very much. In this context the enactment of Right to information Act – 2005 is really a path breaking legislation to ensure all the citizens well informed participation in governance through access to information.

Since Independence numbers of schemes were introduced to improve the life of rural poor, lot of money and other resources were invested to reduce poverty through employment generation and self employment programmes for rural population. Rural Housing, Sanitation, Educational, Health and other programmes were implemented. Even the approaches and strategies have been continuously revised and implemented with new vigor. Despite lot of investments and efforts the desired results are not achieved in the areas like poverty alleviation and employment generation or to say in securing development of rural population. The rapid review of literature especially related to available evaluative literature of Rural Development Programmes identifies certain issues responsible for failure of RD programmes. We have identified 32 specific issues in rural development governance.

- Communication gap
- Delays / Deliberate delays
- Wastage
- Wrong beneficiary selection
- Un-transparent system of Rural development Governance
- Transfer of Money/Benefits to Non-Poor
- Dependency on Government
- Poor participation of beneficiaries

- Middlemen / Agencies take away the funds
- Poor control of government agencies with poor benificiaries
- Lack of coordination
- Paperwork based Implementation Complexities
- Over lapping
- Lack of awareness
- Leakages
- Lack of accountability
- Absence of people's participation
- Centralized trend of planning and deciding local priorities
- High Cost of delivery
- Absence of actual monitoring
- Absence of actual evaluation
- Lot of paper work
- use of less materials in construction than shown in the estimates or in the bills and vouchers
- payment to fictitious workers listed in muster rolls
- Wrongful or arbitrary exercise of patronage or powerselection of beneficiaries for government programmes in contravention of established rules
- Exploitation
- exercise of official in favour of the powerful in the contravention of law or established principles of justice
- Failure to implement social legislation such as those related to minimum wages, gender and protection of disadvantaged groups
- Exercise of power in contravention of the rights and dignity of the individual
- Taking decisions that critically and adversely affect people without consulting them
- Failure to perform duties effectively

Because of all these real poor are excluded and non poor are included in the rural development programmes. Right to Information Act if people positively utilize and

implement in right spirit, it has great collective, capability of poverty alleviation.

IV – Significance of the Study

The philosophy of governance is a dynamic phenomenon. Objective, scope processes and outputs of the governance changes along with the change in its inspirations and philosophy. If we think in Indian context we have experienced various patterns of governance with varied kinds of philosophies and objectives. Before independence we had **colonial governance** with a philosophy and objective to establish the colonial rule and weaken the inherent social governance of Indian cultural milieu, after independence with the enactment of constitutional law we had democratic governance with a popular trend of **centralized democracy**, after 70s with the emergence of regional parties we experienced the trend of **federal democracy**, 73rd and 74th constitutional amendments lead us towards the trend of **decentralized democracy**. Even after democratic decentralization citizens were unable to know and ultimately to participate, it was like participation without access to information because of contradictions between colonial acts VS Constitutional guarantees. We recently enacted revolutionary Right to Information Act – 2005 ensuring our citizens the transparent and accountable governance system overwriting the colonial acts like official secrecy act. We are moving towards fostering excellence in governance system through paradigm shifts in the approach, philosophy, policies, processes, systems of service deliveries etc. Thus in the journey from colonial governance to people centric good governance we have done lot of administrative reforms. Lot of literature is available up to the stage of decentralized governance i.e. experiences of Panchayati raj but very little literature is available after the experience of RTI came into existence (only in the form of news items etc.) to fill this gap of literature this study will be of a great importance.

Concern of RTI with Rural Development: The scope of RTI is very huge and covers each and every sphere affecting governance. The whole movement of RTI got birth because of failure of Rural Development initiatives. The RTI has such potentials and with the use of such potentials citizens, civil society organizations, media, activist groups and NGOs etc. have got the opportunity to intervene in the Rural Development Governance and make the Rural Development Management process people friendly / participatory.

RTI is an instrument in the hand of people not only by using the act but even with mere enactment itself there are chances that wrong doers will think twice before doing wrong because they are answerable to what they have done it, why they don't have done it, why they have done it for this group and why not for that, why they have done it there and why not there. Thus a kind of balance and equity will be achieved in the process of governance cutting down the injustice to weaker sections.

RTI has made common citizen so powerful that he can question the decision taken for him. He can ask the expenditure incurred. He can ask for list of beneficiary as well as the criteria for selecting the beneficiaries and can scrutinize the authenticity. There is huge potential in this act to contain corruption.

Therefore the present study done under the discipline Rural Studies focused on assessing the relevance of Right to Information Act particularly in the area of Rural Development Governance becomes extremely important for the domain of Rural Development as well as Rural Governance, Administration, Monitoring, Participation, Advocacy, Empowerment, Participation, Democracy, and even Human Rights because In the era of human rights information / participation has been perceived and recognized as one of the important need like food and shelter. It is a empirical contribution in the area of rural development with reference to RTI Act.

V - Focus and Approach of the Study:

The study attempts to analyze and document the past and present of Rural Development and to bring out the issues or to say hurdles of Rural Development. Reviewing the need and emergence of the Right to Information Act an attempt has been made to understand the international scenario, movement behind the act, provisions of the act, possible usages of the act in accelerating the process of Rural Development. The study also covers the actual usages of the act and relating the same with common larger issues of Rural Development Governance and to bring it out as remedy to the issue. Along with the usages attempt has also been made to understand the misuses of the act. Perception analysis of the actors involved in it i.e. citizens from rural areas and government officers involved in implementation of Rural Development programmes has also become a part of the study. Reviewing and Analyzing all these and attempt has been made to bring out the issues at the level of citizens, as well as at the levels of government officials and ultimately to make recommendations and suggestions to make the legislation more meaningful for Rural Development Governance, at the same Improving the Rural Development Governance with use of this revolutionary piece of legislation i.e. Right to Information.

VI - Linkage from Literature Review:

Emerging observation shows as much less serious work has been done in this area and more particularly with reference to Rural Development. This gives us an opportunity to initiate research in new area which is very useful for the future as the RTI is relatively novel and new phenomenon which will take time to get set in main stream. Prior to our study we conducted intensive and extensive survey of literature on the studies in our area however our subject is new. There was much of the area uncultivated. We linked our present study in the light of the main issues, methods and observations.

VII - Research Statement:

“The Right to Information Act will be the greatest tool of improvement on otherwise of Rural Development governance”

VIII - Objectives:

1. To access the present status of rural development in general and Maharashtra in particular

2. To examine the issues related to the management of Rural Development
3. To access the potential of Right to Information Act to rectify and resolve the rural development management
4. To review and record the present usages of information act with reference to the management and administration of rural development.
5. To suggest appropriate mechanism and machinery of best use of information act as an instrument of efficient transparent and people’s centric rural development in Maharashtra

IX - Hypotheses:

1. The use of Right to Information Act is very objective and productive in the development activity
2. The instrument of Right to Information Act has provided an excellent opportunity to the beneficiaries for the direct and decisive participation in rural development
3. The Right to Information Act has played a vital role in containing corruption in the rural development at all the stages and helped promotion of transparency in the process of rural development in Maharashtra.
4. The beurocratic perception of the use of information act is very right in view of the irresponsible use of information act interrupting the very process of effective efficient and rapid rural development
5. There is a tremendous scope of improving the qualitative use of the instrument of Right to Information Act with an appropriate policy changes and education spread among the users

X - Data Collection:

The data collection involved the collection of secondary data as well as primary data; all the efforts have been made to collect all the secondary data in the form of reports, research studies, policy statements, government resolutions and independent media reports etc.

However the primary data has been collected from stakeholders involved in rural development i.e. government officers working in departments of rural development, tribal development, panchayat department from district to village level. These officers were consulted through a structured questionnaire. Citizens or to say beneficiaries in context of rural development were interviewed with an interview schedule. Beyond these development functionaries i.e. person engaged in NGOs were consulted. The major focus was eliciting the perceptions of these stakeholders about Right to Information Act in context of Rural development.

XI - Expected Use of the Study:

Since the study attempts to document the study of Right to Information Act and its role in improving the Rural Development Governance, bring out the issues at various levels i.e. information seekers as well as information providers, will document the perceptions and all the implementation level aspects of RTI it will be of great use to the Implementers of Rural Development including government functionaries and NGOs, it will be useful to the scholars of Rural Studies and other social sciences interested in the issues of Management and Administration of Rural Development as well as Rural Local Governance. It will be useful for the policy makers involved in both the areas Rural Development as well as Right to Information. The study will be used for the actors involved in empowering the rural masses. The study has potentials to be utilized as:

- It will help to identify the gaps in the Act; misuses of the act and negative attitude

built up at both the level government and people

- The study will come up with a document regarding RTI as an instrument to help the people of rural areas in helping themselves in solving their problems
- Will be useful in effecting immediate changes for improving the implementation of RTI
- Will be helpful in suggesting broad policy interventions; (Policy of implementing RTI as well as Rural Development)
- Will be useful for carrying out larger projects etc. in the areas of Rural Governance
- Case Studies in Training Programmes

XII - Summary of the Study:

The present study is presented in the following chapters:

1) Introduction & Methodology

The present chapter is an attempt to give an overview of the present research study "Right to Information Act – 2005 and Rural Development Governance". In the beginning of the chapter there is brief evolutionary history of Right to Information Act in India which is incidentally very much interwoven with the cause of Rural Development itself. Then there is description of major issues of Rural Development mainly related to Governance part of it. The basic purpose of the Right to Information is better governance hence there is lot of potentials in the Right to Information Act to resolve certain issues of Rural development Governance. After such background there is an attempt to elaborate the justification and importance of the study. And in the subsequent part of the chapter the focus and approach adopted for the study along with expected usages of the study has been mentioned. Brief overview of the chapters of this study has been written at the end of this chapter.

2) Historical Background of Rural Development in India

Starting with the conceptual clarity from national and international perspectives this chapter gives the historical background of Rural Development from the pre independence period. It describes the review of various experiments in the pre and post independence period. It gives brief of Gandhian ideas and contribution in the area of rural development. There is analytical description of five year plans, major schemes and performances of Rural Development. The chapter includes major issues of Rural Development.

The village in India holds a unique place, both in the social and economic spheres. There were 212.6 million people living in rural areas in 1901, in 2001 rural population has increased to 721.1 million naturally the density of population has increased, land under agriculture has diminished, affected the forests and exodus to urban areas accelerated agricultural labor continued to be exploited. The phenomenon of Rural Development is becoming more and more complex despite technological advancement and availability of resources as well as continued efforts from the pre independence period. Rural Development has a long history in India. There are various approaches, strategies, philosophies, policies, programmes, enactments, efforts, experiments, methodologies, which needs to be studied and analyzed to understand the Rural Development. Present chapter is an attempt to discuss historical analysis of Rural Development programmes right from pre-independence period to present period until 2009 – 10. Starting with the conceptual clarity from national and international perspectives this chapter gives the historical background of Rural Development from the pre independence period. It describes the review of various experiments in the pre and post independence period. It gives brief detail of Gandhian ideas and contribution in the area of rural development. There is analytical description of five year plans, major schemes and performances of Rural Development. The chapter includes major issues of Rural Development.

3) Administration and Management of Rural Development in India

Carrying the linkage from the previous chapter this chapter is an attempt to present the administration and management system of Rural Development in India. It describes the

system from National to Village Level. At national level the role, functions and administrative mechanism of Planning Commission, Ministry of Rural Development and Ministry of Panchayati Raj has been covered as they are the major actors involved in rural development at central level. It also describes the state, District, Block and Gram Panchayat Level Mechanism of Rural Development. Along with presenting the mechanism it also covers how the planning, implementation, monitoring and evaluation are being carried out at different levels in the area of rural development. This chapter concludes with identifying the issues and challenges of Rural Development which becomes the base of this study as the study is aimed at nothing but an attempt to assess the role of Right to Information in overcoming the issues and challenges of rural development.

4) Emerging Issues in Rural Development

The earlier chapters deal with describing and analyzing historical approaches, current scenario in terms of policies programme etc. Administrative system and Management system of rural development in India in general and in Gujarat in particular has been discussed. This chapter is an attempt to describe the issues and challenges of Rural Development. For understandable presentation the issues are categorized under the heads like. Policy and planning level issues, management related issues, Implementation level issues, and program specific issues.

Policy and Planning Level Issues:

1. Union and State laws are not reviewed and suitably amended in accordance with the 73rd constitutional amendment.
2. Lack of Linkages among Components is a major policy level issue of rural development policy.
3. There are several Interventions which are technically inappropriate, culturally insensitive and institutionally ineffective which are likely to be failed.
4. The programmes (guidelines of the programmes) are not flexible enough to be amended during implementation period.

5. The programe planning "handed down" by experts is counter-productive to mobilizing effective leadership and management.
6. Plan laid out in a step-by-step fashion cannot possibly allow for the flexibility required to overcome the complex challenges of human development.
7. Poor Backward and forward linkages.
8. The conventional approach to planning, with its rigid time frames, its breakdown of planning tasks into sectors and regions, and its centralized and technocratic perspective on plan formulation and implementation.
9. A series of goals and a plan of action (or "blueprint") are created by experts and officials; People are expected to implement the plan; and Outcomes are reviewed periodically, typically once a year, to ensure adherence to the plan It breaks down in the face of enormous "real-world" challenges
10. People become alienated because they feel that they have had no say in planning It does not take proper account of local or changing conditions

Management Related Issues:

1. Poor Strategy for Institutional Development and Partnership.
2. Impractical formats of Reporting.
3. Rural development projects are extremely dependent on their political, economic, socio-cultural, and natural environments, which are typically in a state of flux and uncertainty.
4. Rural development project activities are highly dependent for their successful performance on integration, or the coordination of a set of mutually complementary, interdependent activities.
5. Public bureaucracies as implementers of rural development projects have certain well-known disadvantages.
6. Projects with multi sectoral components implemented by a lead department have had considerable difficulty achieving the required coordination with other compartmentalized departments.
7. There are laid down rules and procedures for every aspect of the government’s functioning and its interaction with the common man but, due to weaknesses of

the bureaucracy, growing complexities of administration and absence of commitment and responsiveness, a wide gap has emerged between “Government” and “Governance”.

8. People are not aware about their rights, duties, roles, benefits, remedies, grievance redressal mechanism, decision making syatem, responsible and questionable authorities with regard to a particular scheme in general and rural development affairs in particular.
9. The component of capacity building is a missing or inadequate link of most of the rural development programs since the stakeholders are not being equipped with knowledge, skills and attitudes required for a successful implementation of a programme.
10. The performance and qualitative changes are not being evaluated prior to commencement of further work.
11. Grant Flows are irregular.
12. Exit/Sustainability Strategy is one of the major elements of management of rural development management.
13. Many a times the Implementation cost is higher than the cost of actual benefit given to poor or the beneficiary.

Implementation Level Issues:

1. Selection of wrong set of beneficiaries.
2. Selection of beneficiaries within communities was largely outside of the project’s control.
3. The programmes are least understood even amongst the stakeholders who are going to implement the program.
4. The programmes are least understood amongst the beneficiaries.
5. The real objective is getting lost in the target oriented approach.
6. Rural development programmes are not able to sustain against unscrupulous elements and vested interest.
7. Culture of silence and non-performance is a major hurdle in success of a program.

8. Many of the physical constructions are not technically sound and not even in accordance with the proposed one.
9. Unfavorable socio-political climate
10. Weak enforcement machinery
11. Under financing, Delay in disbursement
12. Corruption and malpractices
13. Delays
14. Overlapping
15. Leakages

5) International Perspective of Emergence and Adoption of Right to Information Act

A new era of government transparency has arrived. Laws opening government records and processes are now commonplace among democratic countries. It is now widely recognized that the culture of secrecy that has been the modus operandi of many governments for centuries is no longer feasible in a global age of information and not compatible with modern government.

This chapter is an attempt to review the legislation of Right to Information Act from a global perspective. Attempt has been made to inspect the contributing factors for the adoption of this act in various countries. Then there is a brief description of the form and features of this ac in various countries. It has been also attempted to compare the legislation and bring out the common issues.

6) Analytical Assessment of Legislative Features and Procedures of Right to Information Act in Context of Rural Development

This chapter is an attempt to present the features of the act as well as the whole process a citizen has to follow in getting the information under this act. It also introduces several authorities under this act along with their roles and responsibilities under the act. It also

bring outs the inbuilt limitation of the legislative procedures.

The present chapter is divided in three parts the first part gives overview of the provisions of the Right to Information Act, the second part of this chapter is an attempt to examines the process by which this phenomenon of Peoples right to information emerged and the means by which it pursues its goals. It then analyses the implications of the Right to Information, and the trend it has benchmarked, for contemporary debates in the area of rural development particularly three major areas of rural development : human rights, participatory development and, of course, anti-corruption. It also tries to examine the Relevance of Right to Information with regard to contemporary theory of rural development governance and the third part brings out the importance of Right to Information in Context of Rural Development.

7) Policy Alternatives and Remedial Measures for the Objective Use of Right to Information Act in General and Rural Development in Particular

Policy alternatives and remedial measures in terms of Implementation of Right to Information act and Rural development were described in a way to make RTI an important tool of transparent rural development governance.

8) Summary and Conclusions

In this chapter an attempt has been made to present the summary and conclusions of the study.

XIII -Delimitations and Limitations of the Study:

By delimitations and limitations the intention is to bring out those characteristics that limit the scope (define the boundaries) of the inquiry as determined at the time of conscious exclusionary and inclusionary decisions that were made throughout the development of the proposal and its execution. Among these are the choice of objectives and questions, variables of interest, alternative theoretical perspectives that could have been adopted, etc.

The first limiting step was the choice of problem itself; while formulating the statement of the research and basic focus many aspects were thought of like experimenting the real intervention through Right to Information and documenting the experience of the same, an action research kind of the thing. Implicit are other, related problems that could have been chosen but were rejected or screened off from practical time bound feasibility point of view.

Lack of prior research studies on the topic was another major limitation we have come across which could have helped in forming the strong base of our literature review and that could have helped in formulating the statement and really required focus of our study. There are not any earlier scholarly work on our topic since the enactment of the act is very recent and even a decade has not passed to it. This limitation has forced us to develop an entirely new research typology and led us towards exploratory research Smaller sample size is a limitation but not a limitation in fact particularly to the study of our kind of qualitative research. The perception analysis part of the research only intended at analyzing the perception of stakeholders of Rural development and to get the feel of phenomenon. The major base of analytical part in this study is factually documented cases of the usages of RTI in redressing the grievances of Rural development. At the juncture of this discussion it is necessary to mention that slimier further studies can be conducted taking the larger number of representative samples.

Another point that we would like to include as limitation is that in our study we have not

used any statistical application like other social science researches except percentage, range and ascending descending weightage in the perception analysis part. The great limitation of qualitative research through perception analysis are : personal bias, opinions, contractidictory, loose talks, character and background of the respondent, level of education, local and occupational characteristics.

design. In fact this limitation gave us encouragement to explore the area which has been unexplored yet.

It was thought of collecting lot of extensive data related to usages of RTI from the offices implementing Rural Development schemes. The data like Year wise Number of RTI applications received, Information provided in number of cases, number of applications rejected, number of applications received for appeal, Total Expenditure incurred as a part of providing information under RTI, Total Income earned as a part of Fees as well as charges of information could have been very important from the analysis point of view but despite intension and exclusive efforts such collection of such data could not become possible since the offices don't keep in record properly. Replacing with collecting such data from individual offices of Rural development similar data showing state level scenario were collected from the Information Commission which have rather different and even greater significance from the point of view of this study.

During the course of execution of this study we have come across several important and interesting concepts, theory and data mainly pertaining to combating corruption, Panchayati Raj, Administrative reforms, legal aspects of Right to Information, constitutional significance of certain areas of rural development etc. Despite such matter was quite interesting we had to exclude as they don't have direct relevance with the study.

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Date:

Place:

Signature of Student	Signature of Supervisor
Sajeedkhan Jafarkhan Pathan	**Prof.Dr. Fayaj Munirsab Saudagar** **Associate Prof. & Head** **Dept. of Political Science**